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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,970	11/28/2001	Miruka Ishii	09812.0180-00000	9242

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EXAMINER

TIEU, BINH KIEN

ART UNIT PAPER NUMBER

2643

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,970

Applicant(s)

ISHII, MIRUKA

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-20 and 24-53 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 11-13, 15-18, 24-26, 28-33, 36-38, 40, 46-48 and 50-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Dahlen (US Pat. #: 5,870,454).

Regarding claim 1, Dahlen teaches a communication system comprising:

a first communication device (i.e., calling party's device 22 as shown in figure 1) for transmitting outgoing data including content identification data (i.e., identifier or code of a prestored message; col.6, lines 5-23), transmitting party identification data (i.e., PIN or password, col.5, lines 41-44), receiving party identification data (i.e., destination identifier of the called party, col.5, lines 45-52), and date and time data (col.6, lines 41-50);

a second communication device (i.e., SCP 40 and SDP 50) for receiving said outgoing data and for transmitting content data identified by said content identification data to a receiving party identified by said receiving party identification data at a date and time corresponding to said date and time data (col.7, lines 1-44); and

a third communication device (i.e., receiving equipment of the called party) for receiving and reproducing said content data transmitted from said second communication device (col.8, lines 3-35).

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Regarding claim 2, note col.6, line 61 through col.7, line 34.

Regarding claim 3, note col.5, line 36 through col.6, line 60; col.7, lines 49-54; col.8, lines 30-35; and col.10, lines 33-48.

Regarding claim 4, note col.6, lines 17-21.

Regarding claim 5, note col.7, line 45 through col.8, line 14; and col.10, lines 19-48.

Regarding claims 11-13 and 15, note col.10, lines 38-48.

Regarding claim 16, Dahlen teaches a communication device (i.e., Prompt & Collect Information 70) comprising:

receiving means for receiving outgoing data including content data identification data, transmitting party identification data, receiving party identification data, and date and time data from a first communication device (col.7, lines 1-44);

storing means for transmitting said outgoing data;

transmitting means for transmitting content data identified by the stored content identification data (i.e., identifier or code of a prestored message; col.6, lines 5-23), transmitting party identification data (i.e., PIN or password, col.5, lines 41-44) to a second device; and

controlling means for exercising control to transmit said content data identified by said content identification data to a receiving party identified by said receiving party identification data in the stored outgoing data at a date and time corresponding to said date and time data (col.5, lines 45-52 and col.6, lines 41-50);

Regarding claim 17, note col.5, line 36 through col.6, line 60; col.7, lines 49-54; col.8, lines 30-35; and col.10, lines 33-48.

Regarding claim 18, note col.7, line 45 through col.8, line 14; and col.10, lines 19-48.

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Regarding claims 24-26 and 28, note col.10, lines 38-48.

Regarding claim 29, Dahlen teaches a communication device comprising:

Transmitting means for transmitting outgoing data including content identification data (i.e., identifier or code of a prestored message; col.6, lines 5-23), transmitting party identification data (i.e., PIN or password, col.5, lines 41-44), receiving party identification data (i.e., destination identifier of the called party, col.5, lines 45-52), and date and time data (col.6, lines 41-50); and

controlling means for causing said transmitting means to transmit said outgoing data to said another communication device in response to an operation of a user ((col.5, lines 45-52 and col.6, lines 41-50).

Regarding claim 2, note col.6, line 61 through col.7, line 34.

Regarding claim 30, note col.5, line 36 through col.6, line 60; col.7, lines 49-54; col.8, lines 30-35; and col.10, lines 33-48.

Regarding claim 31-33, note col.6, lines 17-21 and col.7, line 45 through col.8, line 14; and col.10, lines 19-48.

Regarding claims 36-38 and 40, note col.10, lines 38-48.

Regarding claims 46, 47, 48, 50, 51 and 52, the limitations of the claims are rejected with the same reasons set forth in claims 1, 16 and 29 above.

3. Claims 1-4, 6, 16-17, 19, 29-34, 46, 47, 48, 50, 51 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohuchi (US Pat. #: 5,805,671).

Regarding claim 1, Ohuchi teaches a communication system comprising:

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a first communication device (i.e., exclusive-use telephone 21 as shown in figure 1) for transmitting outgoing data including content identification data, transmitting party identification data, receiving party identification data, and date and time data (col.5, lines 13-22 and col.6, lines 10-35);

a second communication device (i.e., MAIN UNIT (COTROL UNIT 1)) for receiving said outgoing data and for transmitting content data identified by said content identification data to a receiving party identified by said receiving party identification data at a date and time corresponding to said date and time data (col.6, line 36 through col.7, line 7); and

a third communication device (i.e., receiving equipment of the called party) for receiving and reproducing said content data transmitted from said second communication device (col.7, lines 8-14 and col.9, line 52 through col.10, line 4).

Regarding claim 2, note col.4, lines 15-30.

Regarding claim 3, note col.3, line 66 through col.4, line 12.

Regarding claim 4, note col.6, lines 10-14.

Regarding claim 6, note col.7, line 66 through col.8, line 18.

Regarding claims 16-17 and 19, the limitations of the claims are rejected with the same reasons set forth in rejection of claims 1-4 and 6 above.

Regarding claim 29, Ohuchi teaches a communication device comprising:

transmitting means for transmitting outgoing data including content identification data, transmitting party identification data, receiving party identification data, and data and time data to another communication device (col.5, lines 13-22 and col.6, lines 10-35); and

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controlling means for causing said transmitting means to transmit said outgoing data to said another communication device in response to an operation of a user (col.6, line 36 through col.7, line 14 and col.9, line 52 through col.10, line 4).

Regarding claim 30, note col. 4, lines 15-30.

Regarding claims 31 and 33, note col.3, line 66 through col.4, line 12.

Regarding claim 32, note col.6, lines 10-14.

Regarding claim 34, note col.7, line 66 through col.8, line 18.

Regarding claims 46, 47, 48, 50, 51 and 52, the limitations of the claims are rejected with the same reasons set forth in claims 1, 16 and 29 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 14, 20, 27, 35, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlen (US Pat. #: 5,870,454) in view of Brown et al. (US. Pat. #: 6,751,299).

Regarding claims 7, 20, 27, 39, Dahlen teaches all subject matters as claimed above, except for another communication device for transmitting advertisement data and sponsor identification data identifying a sponsor of said advertisement data to said second communication device. However, Brown et al. ("Brown") teaches such features in col.11, lines

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43-48; col.11, lines 64-67; col.13, lines 43-61 and col.18, lines 42-47 for purpose of providing personal as well as business messages to recipients.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of another communication device for transmitting advertisement data and sponsor identification data identifying a sponsor of said advertisement data to said second communication device, as taught by Brown, into view of Dahlen in order to achieve a more capable and efficient greeting voice message system to meet the ever increasing needs of subscribers.

Regarding claim 14, Brown further teaches limitations of the claim in col.11, lines 64-67; col.12, lines 20-23 and col.14, lines 13-31.

Regarding claim 35, Brown further teaches limitations of the claim in col.13, lines 36-31.

6. Claims 41-45, 49 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlen (US Pat. #: 5,870,454) in view of Brown et al. (US. Pat. #: 6,751,299) or Ohuchi (US Pat. #: 5,805,671).

Regarding claim 41, Dahlen teaches a mobile phone (i.e., terminal 22 or GSM mobile radio terminal 100E as shown in figure 1), comprising:

receiving means for receiving greeting mail; and reproducing means for reproducing the received greeting mail (col.9, line 27 through col.10, line 48).

It should be noticed that Dahlen fails to teach the feature of receiving advertisement data along with the greeting data. However, Brown teaches such features in col.14, lines 28-29. It should be further noticed that Dahlen and Brown, in combination, fails to clearly teach the feature of transmitting to and controlling for a server device reception-complete data when

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message and advertisement have been received. However, Ohuchi teaches such features in col.7, line 66 through col.8, line 18.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features as taught by Brown and Ohuchi systems, into view of Dahlen in order to achieve a more capable and efficient greeting voice message system to meet the ever increasing needs of subscribers.

Regarding claims 42-45, Dahlen further teaches limitations of the claims in col.10, lines 38-48.

Regarding claims 49 and 53, the reasons for rejection of claims 49 and 53 are set forth the same in claim 41 above.

Allowable Subject Matter

7. Claims 8-10 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN**

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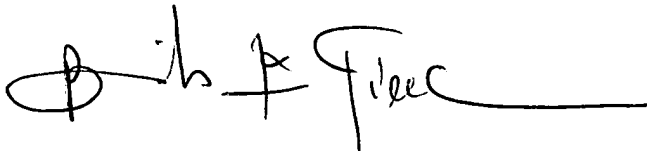
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A handwritten signature in black ink, appearing to read "Binh Tieu", with a long horizontal line extending to the right.

**BINH TIEU
PRIMARY EXAMINER**

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Date: November 22, 2005